

REMARKS

I. Status of Claims

With entry of this amendment, claims 13-15, 20-26, 30-35, and 37 are pending. Claims 1-12 and 16-19 were previously cancelled.

Claims 20 and 26 have been amended herein. Claim 36 has been cancelled herein without prejudice or disclaimer. Since all of these inventions are reasonably conveyed by the specification and original claims, no new matter is added herein.

Applicants further appreciate the Office 's indication that the submission filed on February 10, 2009, has been entered, and rejection of claims 13-15, 20-26 and 30-33 under 35 U.S.C. §112, first paragraph has been withdrawn.

II. Claim Rejections - 35 U.S.C. §102

Claims 14, 20, 26, and 36 are rejected under 35 U.S.C. §102 (b) as allegedly being anticipated by Griffin et al (Journal of the American Chemical society 1962, Vol 84 p1012-15). See Office Action at page 2-3. Specifically, the Office alleges that Griffin et al describe preparation of dimethyl amide of 1,2,3,4-cyclobutanecarboxylic acid and recrystallization of the same from ether-benzene mixture. The Office thus concludes that the tetra-amide in benzene-ether mixture meets the limitation of the instant claims. Applicants respectfully disagree.

However, solely to expedite prosecution of this application and without in any way conceding to the propriety of this rejection, Applicants have cancelled claim 36 herein, rendering moot this rejection as to that claim. Applicants have amended claims 20 and 26 to delete reference to those embodiments wherein n is 2 or 3, R₁ and R₂ are independently chosen from amine radicals (-NR₃R₄) wherein R₃ and R₄ are the same or different and are independently chosen from hydrogen, C₁₋₂₄ alkyl radicals, a phenyl radical and C₆₋₁₀ aralkyl radicals. Griffin et al does not describe any pharmaceutical preparation, or any of the compounds encompassed by the current claims as amended. As such, Applicants respectfully request that this rejection be withdrawn.

III. Objections to Claims

Claims 13, 15, 21-25, and 30-33 are objected to as allegedly being dependent upon a rejected base claim, which "would be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claims." See Office Action at page 3. Claims 13, 15, 21-25, and 30-33 are dependent on either claim 20 or claim 26, directly or indirectly. As discussed above, the rejection of claims 20 and 26 should be withdrawn in view of the amendments to those claims. Accordingly, Applicants respectfully request withdrawal of this objection.

CONCLUSION


Applicants respectfully request that this amendment be entered by the Examiner, placing the claims in condition for allowance.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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